IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

Bail Appl..No. 7776 of 2007()

(CRIME NO.1264/07 OF THE KOLLAM EAST POLICE STATION)

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PETITIONERS/ACCUSED (RANK NOT KNOWN)

1. **SANJU BUKHARI, M.S. BUKHARI 'SANJEER', NELLIPPANI, PUNALOOR KOLLAM.**

2. **AMAR KAMASH @ AJI, AGED 33 YEARS, S/O. ABDUL RAHMAN KOYA, HYDROSE BUILDING, WEST VILLAGE, PALLITHOTTAM SANGAM NAGAR 93, KOLLAM.**

3. **ANSARUDHEEN, AGED 35 YEARS, S/O. SHAMSUDHEEN, DHARUL SALAMIL, ERAVIPURAM VILLAGE, KOLLAM.**

4. **MANIKANDAN, AGED 32 YEARS, S/O. VASUDEVAN, SREEKRISHNA BHAVAN, GHANDHINAGAR 205, AYATHIL CHERIYIL, VADAKKEVILA VILLAGE, KOLLAM.**

5. **S.M. MAHESH, AGED 30 YEARS, S/O. SELVARAJ, THANGAZHIKAMPURAYIDATHIL, WEST VILLAGE, BEECH NORTH WARD, JONAKAPPURAM , KOLLAM.**

6. **UBAIDULLA @ BINOY, AGED 29 YEARS, S/O. SHAHUL HAMEED, SHANUR BHAVAN THEJUS NAGAR 151, VADAKKEVILA CHERIYIL, VADAKKEVILA VILLAGE, KOLLAM.**

7. **C.R.MAHESH, AGED YEARS, S/O. RAJASEKHARAN, CHEMBAKASSERIL HOUSE, SOUTH WEST, THAZHAVA, KARUNAGAPPALLY.**

BY ADV. SRI.C.M.AMEER ALI
SRI.K.N.ABHILASH

B.A. NO.7776/2007

RESPONDENT:

STATE OF KERALA, REP.BY
KOLLAM EAST POLICE STATION, KOLLAM
(THROUGH PUBLIC PROSECUTOR OF THE HIGH COURT OF KERALA).

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7776 of 2007

Dated this the 17th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 7. They face allegations for offences punishable inter alia under Section 353 I.P.C and Section 3(2) of the P.D.P.P Act. They were allegedly members of an unlawful assembly of persons who went to the office of the KSEB and had indulged in wanton acts of mischief and violence. Damage was caused in the building and officials were deterred in the performance of their official duty. The alleged incident took place on 01/12/2007. The petitioners are not named in the F.I.R. In the course of investigation, their complicity has been ascertained. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They are Youth Congress workers. On account of political animosity, the petitioners have been arrayed as accused. They may be granted anticipatory bail.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor submits that the scene mahazer bears eloquent testimony to the acts of damage and violence

which is caused. It is true that in the course of investigation, the complicity of the petitioners has been ascertained and they have been arrayed as accused. In any view of the matter, there is absolutely no merit in the prayer for grant of anticipatory bail, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioner must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007